

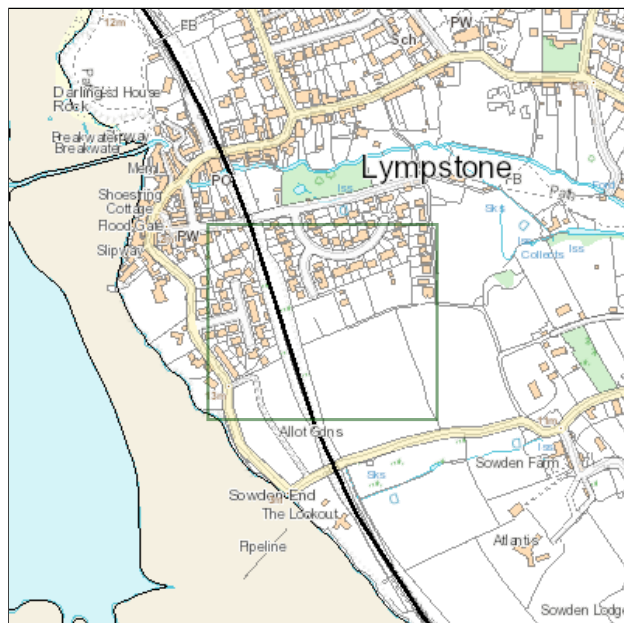
**Ward** Woodbury And Lymestone

**Reference** 22/2410/RES

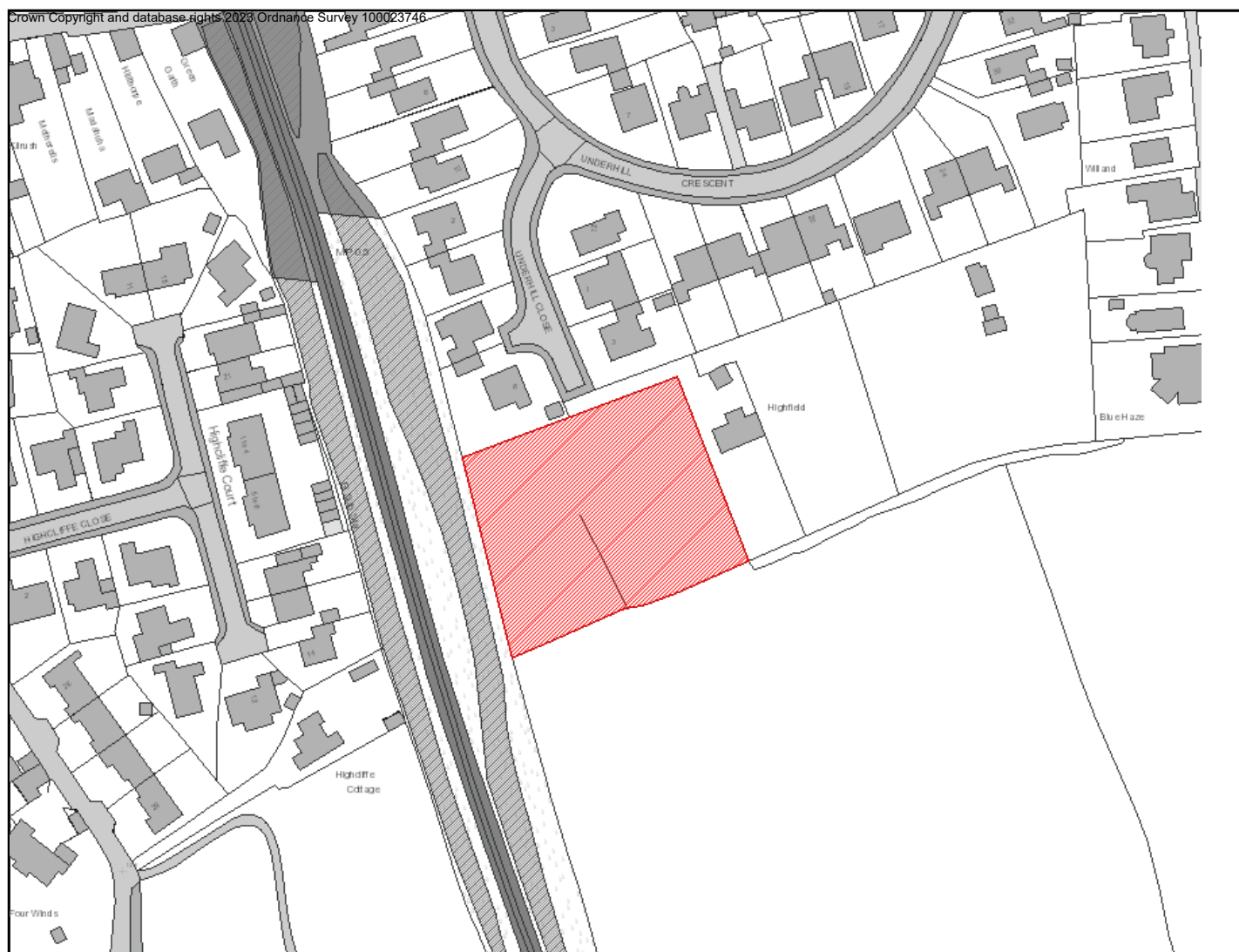
**Applicant** Mr & Mrs C Fayers

**Location** Land South Of Underhill Close Lymestone

**Proposal** Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 18.07.2023</b>
<b>Woodbury And Lympstone (Lympstone)</b>	<b>22/2410/RES</b>	<b>Target Date: 23.12.2022</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs C Fayers</b>	
<b>Location:</b>	<b>Land South Of Underhill Close Lympstone</b>	
<b>Proposal:</b>	<b>Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

This application is before members of the Planning Committee because officer recommendation differs from that of the ward councillor. This reserved matters application relates to the construction of a detached dwelling and annex building seeking approval for matters relating to layout, appearance, scale and landscaping. Despite being located outside of the built-up area boundary of the village of Lympstone as defined by the East Devon Local Plan and the Lympstone Neighbourhood Plan, the principle of a dwelling on this site has already been accepted through an outline permission which was granted on appeal. As such, no objections can be sustained to the principle of development on this site.

A significant amount of local concern has been expressed at the fact that the outline planning permission was for a 'predominantly single storey dwelling and annex' and that this detailed proposal does not reflect the original description of the development and that the reserved matters scheme is for substantially more two storey development than that shown indicatively at outline stage. Approximately 27% of the dwelling would be two stories in height where 534 sqm of the dwelling would be ground floor and 149 sqm first floor. Officers are therefore satisfied that this proposal would still be for a predominantly single storey dwelling.

Members should note that the appeal was allowed where the Inspector treated the detailed plans that had been submitted as illustrative only. The Inspector did not impose conditions which restricted the size or the height of a dwelling that might come forward through a reserved matters application and did not impose

any conditions that required the development to adhere to any of the design parameters detailed within the outline submission. As such, officers consider it appropriate to determine the application on its own merits.

The amount of two storey bulk of the dwelling over that presented at outline stage would result in some additional visual harm from limited public vantage points from outside of the site and would increase the prominence of the building in localised views. It is also acknowledged that parts of the dwelling would not exhibit a low profile design and would not maintain the notional building line cited as being important by the Inspector as the built form would extend slightly further towards the southern boundary of the site. In this respect, the objection from the Council's Landscape Officer and concerns over the additional impact this proposal would have over that presented at outline is acknowledged. However, whilst finely balanced, having regard for the amendments that have been made to this application which include a small reduction in the footprint, lowering the building and the addition of natural timber cladding to the first floor, the proposal would essentially be read as an infill plot against the back drop of other properties in the viewpoints identified which are equally as prominent in the landscape albeit in a more traditional form. Essentially the development would be read against the back drop of the southern edge of the village and would not be read as a significant incursion into the countryside or the wider landscape that would result in significant visual harm to the character and appearance of the area of the Green Wedge designation that would justify refusal of the application.

The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views.

The proposal is considered to be acceptable in terms of its impacts on residential amenity and parking provision such that whilst finely balanced in terms of its visual impact, is recommended for approval in compliance with the East Devon Local Plan and the Lympstone Neighbourhood Plan. The application is therefore recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

Woodbury And Lympstone - Cllr Geoff Jung  
22/2410/RES

I have viewed the further information provided for 22/2410/RES for approval of reserved matters (appearance, landscaping, layout, and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445) on land south of Underhill Close Lympstone. As the proposed scheme increases the extent of two storey construction by over 50%, from 90 to 138m<sup>2</sup> and doubles its southern elevational area, and the planning inspector agreed only to a support of a predominately single storey dwelling, I cannot support

this application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury And Lympstone - Cllr Geoff Jung

22/2410/RES

I have viewed the further documents for 22/2410/RES for a planning application for approval of reserved matters (appearance, landscaping, layout, and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref APP/U1105/W/21/3282445) at land South of Underhill Close Lympstone

The Planning Inspectors comments on the previous outline application states the support of a predominately single storey dwelling with annex accommodation, but the new plans show plans for substantially more double storey than the previous outline plan and therefore question the increase in the upper storey is compliant to the Inspectors recommendation. I therefore unable to support this amended application but however I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Parish/Town Council

Recommendation: Object

Lympstone Parish Council objects due to to the planning application not complying with the original one storey plan approved by the planning inspectorate.

**Technical Consultations**

County Highway Authority

The County Highway Authority (CHA) has reviewed the amended site plan and is happy that vehicles are able to turn and park off-carriageway.

We would recommend the provision of secure cycle storage to encourage sustainable travel.

Overall, the CHA has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON  
BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,  
HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

EDDC Landscape Architect 20/06/2023

I have reviewed the amended details submitted for discharge of conditions 1 and 4 in response to my previous comments of March 2023.

In respect of condition 4 I confirm the submitted details are now acceptable.

In relation to condition 1 the change of material to the 2<sup>nd</sup> floor of the southern elevation to naturally durable timber cladding is an improvement on the previous

grey brick. Confirmation should be obtained from the applicant that naturally durable means untreated or whether colour finishes are proposed.

I still have concerns regarding the overall scale of the building in this setting which is considerably greater than the illustrative details submitted for outline consent and its impact on the amenity of adjacent dwellings.

#### EDDC Landscape Architect

#### **Condition 1 – Appearance layout landscaping and scale**

The submitted elevations and accompanying photomontages for viewpoints 4 and 6 show the building is some 0.5 to 1m higher than the indicative details provided with the outline application (20/0933/OUT) with a significant increase in first floor area.

A case is made in the design statement for retaining the grey brick elevations rather than limestone as shown in the outline details, on the basis that local stone is not used in the surrounding area especially Underhill Close and Crescent. However the proposed building has no direct visual relationship with Underhill Close. Local stone is clearly in evidence on the periphery of the settlement elsewhere and there is no precedent for grey brick.

#### **Condition 4**

##### 4 b) Proposed planting

The submitted planting plan, Redbay dwg. no. 948/02 is generally acceptable apart from the following points:

- The existing tree to the west side of the site entrance should be retained and shown on the plans accordingly.
- 5 no. additional large/medium size native trees should be provided to the southern boundary hedge-line to help break up building mass in views from south and southwest while allowing framed views out.

##### Condition 4 b) and f) Hedgerow management and enhancement

The Planting detail and notes, Redbay dwg. no. 948/04 requires amendment as follows:

New hedges – Provide specification for formative pruning and maintenance during establishment phase. Once established new hedges to be maintained at minimum 2.5m height, cutting every 2-3 years in accordance with best practice guidance.

Existing hedges – should generally be maintained at minimum 2.5m high, cutting every 2-3 years

Southern boundary hedge – submit detail proposals for rejuvenation including gapping up, coppicing/ laying and subsequent maintenance to ensure dense healthy growth, minimum 2.5m high.

##### 4 c) Proposed entrance gates

The hard materials plan, dwg. no. 948/01, provides precedent images for timber entrance gates comprising a solid panel to the lower third and open vertical bar panel above. However, the gate detail shown on submitted drawing no. 948/03 (Gate and roof details) shows 2m high gates with near solid panels, which give a fortress-like appearance inappropriate as the termination of the view from Underhill

Close. It is noted also that the elevation and plan images of the gates shown on dwg. 948/03 are inconsistent, the plan showing gates 5m wide between piers and 11m wide overall including piers and side panels, while the elevation shows them 4m wide between piers and 8m wide overall. The design should be changed to rectify this and reflect the precedent image on the hardworks plan, omitting the side panels, with existing hedge to either side retained and reinforced instead. Details of proposed materials and colour finishes for the gates should be confirmed.

If the application is approved the following conditions should be imposed:

- a) No construction works shall commence until details of the extent and specification of anti-glare glass to the southern elevation have been submitted to the LPA and approved in writing.
- b) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

## EDDC Landscape Architect

### 1 INTRODUCTION

This report forms the EDDC's landscape response to the Reserved Matters application for the above site, seeking discharge of the landscape and green infrastructure related conditions attached to the decision notice granting outline consent for application 20/0933/OUT which was allowed on appeal.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

### 2 LANDSCAPE RELATED CONDITIONS & SUBMITTED DETAILS

#### 2.1 Conditions

1) Details of the appearance, landscaping, layout, and scale (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

4) As part of any reserved matters application for landscaping, the following information shall be submitted:

a) A site layout plan, identifying areas of paving, planting, boundary treatments, structures and features.

b) A detailed planting plan including details for enhancement of boundary hedgerows and the creation of wildflower areas and aquatic planting.

c) A full set of landscape details covering walls, retaining structures, gates, fencing, paving, edgings, site furniture and other structures.

d) Details of any green roofs including construction make up, drainage layer, planting substrate and proposed planting mix and form.

e) Measures for the protection of perimeter trees and hedgerows during the construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained for the duration of the works.

f) Management and maintenance of existing hedgerows. Management and maintenance of wildflower areas. Management and enhancement of other measures to improve biodiversity value.

6) As part of any reserved matters application details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

## 2.2 Submitted details

- Location plan
- Existing site plan
- Proposed site plan
- Ground floor plan
- First floor and basement
- Elevations N/S
- Elevations E/W
- Design and access statement

## 3 REVIEW OF SUBMITTED DETAILS

### 3.1 Proposed site plan

The site plan lacks detail. In particular it should clearly show existing trees and hedgerow to be retained together with proposed paving, planting and boundary treatments as required by condition 4a).

The proposed scheme shifts the building closer to the eastern boundary and extends the east and west wings northwards much closer to the northern site boundary than in the indicative outline proposals. It is unclear what the impact of this on existing boundary vegetation would be as it is not shown on the site plan. The southern building line is also extended 5m southwards.

### 3.2 Building design and materials

The proposed scheme increases the extent of two storey construction by over 50%, from 90 to 138m<sup>2</sup> and doubles its southern elevational area. The location of the two storey construction is also shifted from the eastern end to the western end. This together with the extension of the building 5m to the south has potential to increase its prominence in the wider landscape. It is recommended that the photomontages prepared in support of the outline applications should be amended to illustrate the visual impact of the current proposal from viewpoint 04 (parish open space to southwest) and viewpoint 06 (Lympstone footpath 4 to the southeast).

The proposed materials palette has been simplified from the indicative outline proposals. While the dominant use of grey brick helps to unify the building elements, the use of local stone on the more prominent elevations would help to better connect the building with its locality.

There is no information provided on the proposed roof materials. The expectation from the outline application was that this would largely comprise green roof details of which are required as per condition 4 d).

It is noted that a large window is now proposed on the 2nd floor north elevation which will overlook 8 Underhill Close contrary to stated aims in the outline design and access statement and the extent of glazing to this elevation should be reconsidered.

Proposed glazing to the southern elevation should be anti-glare due to the extent of glazing proposed and the sensitivity of views from the south and southwest which could experience glare effects particularly at low sun angles.

### 3.3 Levels

Only limited information is provided on proposed floor and ground levels. It appears from the elevational drawings that internal floor levels are proposed to be set at 17.3m throughout with the building set on a plinth that raises it above existing ground level by about 1.5m at its western end and 0.4m at the eastern end. It would seem possible for the eastern end to have a GFL of 17.0m with the western end dropping to 16.5m or so which would fit better with surrounding levels and reduce the overall building height appreciably.

## 4 CONCLUSIONS AND RECOMMENDATIONS

It is unclear from the submitted details what conditions the application is seeking to discharge.

As noted above the site plan provides insufficient information to discharge condition 4a). No information is provided to discharge landscape conditions 4b, c, d, e and f. Further consideration should be given to proposed floor levels and detailed ground levels are required across the site to enable discharge of condition 6.

In respect of condition 1 (appearance, landscaping, layout and scale), amended photomontages should be provided prior to condition discharge for view point 4 and 6 as noted above to illustrate the visual impact of the current proposal. Confirmation should be provided that glazing to southern elevations will be anti-glare. Additionally it is also recommended that proposed materials are reconsidered though use of local stone to enhance local distinctiveness.

### Other Representations

4 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:



- Significant two storey construction would result in loss of light
- Impact on wildlife
- Loss of privacy
- Proposal does not comply with appeal decision
- Visual impact
- Light pollution
- Does not conform with plans shown at outline

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/1838/OUT	Outline application with all matters reserved for the construction of 4 no dwellings	Withdrawn	27.11.2015
18/1995/OUT	Outline planning application for a predominantly single storey dwelling with annex (including accommodation for a carer) on the car park/paddock situated at the head of Underhill Close, Lymptstone (all matters reserved other than access).	Refusal	02.11.2018
19/1506/FUL	Retention of car parking area and associated lighting	Withdrawn	29.06.2020
20/0933/OUT	Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)	Refusal  Allowed at appeal	19.03.2021
20/0945/OUT	Construction of predominately single storey dwelling with annexe accommodation and reconfiguration of part of existing car park for public use; outline application with all matters except access reserved	Refusal	19.03.2021

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Lympstone Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

### **Site Location and Description:**

The site refers to an area of land to the south of Underhill Close approximately 0.36 hectares in size which is in the open countryside, outside of the built-up area boundary of Lympstone as defined by the Lympstone Neighbourhood Plan. The site falls within an area designated as Green Wedge and consists of a temporary tarmac car park with street lighting to the east and a paddock to the west. The site is bordered to the west by the railway line and embankment and agricultural land and open fields to the south. The site is bounded by the gardens of residential properties to the north and to the east. The site benefits from an existing vehicular access off the cul-de-sac road at Underhill Close.

### **Planning History:**

Planning permission was granted on appeal in January 2022 (ref APP/U1105/W/21/3282445) for the construction of a predominately single storey dwelling with annex accommodation. Outline application with all matters except access reserved. The appeal was allowed subject to a number of conditions which requires the submission of a reserved matters application, detailed landscaping information, final finished floor and ground levels and that the development is carried out in accordance with the mitigation and enhancement measures contained within a Preliminary Ecological Appraisal.

The reserved matters application has been made within the statutory timeframe specified by condition 2 of the outline permission.

## **Proposed Development:**

Following the allowed appeal, planning permission is now sought for all of the details of the development through this reserved matters application pursuant to the outline permission. Approval is sought for the site layout, the scale and appearance of the dwelling and the landscaping of, the site.

The proposed dwelling would be part single storey and part two storey and would have contemporary flat roofed design. It would have a 'U' shaped plan form and has been designed around a garden courtyard at the front of the site. The dwelling would be constructed from a range of materials which include a textured grey brick with parts of the first floor clad in timber under a sedum roof.

The footprint of the dwelling provides residential accommodation across the ground and first floors with annex accommodation provided at ground floor level in a section of the building to the eastern side of the site.

Vehicular access into the site remains unchanged from the outline permission where vehicles would enter the site from the top of Underhill Close.

## **Issues and Assessment:**

Notwithstanding the location of the site, outside of the built-up area boundary of Lympstone, following the allowed appeal, no objections can be sustained to the principle of a dwelling in this location. Therefore the main issues to consider in determining this application are in terms of:

- An assessment of the reserved matters: Layout, scale, appearance and landscaping
- The impact of the proposal on the character and appearance of the area and the Green Wedge
- The impact on the residential amenities of the occupiers of surrounding properties
- Parking provision

## **ANALYSIS**

### **Layout:**

In determining the outline appeal, the Inspector stated:

*‘The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village. It is bound by a substantive hedgebank along its south perimeter. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south. On this basis, the scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any semblance of encroachment towards Exmouth’.*

The proposed dwelling would have a 'U' shaped plan form stepping back within the site from single storey to two stories. The dwelling would be positioned towards the northern boundary of the site but would extend slightly further into the site towards the southern boundary beyond the notional building line referred to by the Inspector. Whilst this would be the case, in reality the dwelling is unlikely to be viewed as being any more significantly prominent within the landscape; the dwelling would remain set well back from the southern boundary of the site with significant space around it such that it isn't considered that the visual impact from the layout of the development would be significantly harmful.

The dwelling has been designed to front onto Underhill Close with the sections of the building forming a private courtyard and parking area. Amended plans have been received which has reduced the forward projection of the western most part of the building following concerns about its position up against the boundary with no 8 Underhill Close which was considered to be detrimental to the amenities of the occupiers of this property. The impact of the proposal on amenity is discussed in more detail later within this report.

On balance it is considered that the layout of the development is acceptable as it would not result in any significant visual intrusion into the wider landscape, set well back from the southern boundary and continuing to allow the hedge bank along the rear boundary to be retained.

### **Scale:**

Considerable local concern has been raised in respect of the fact that the extent of the two storey construction has increased, its location has moved from the eastern end to the western end of the proposed dwelling over that which was shown and considerably detailed, albeit indicatively at outline stage. Concern has also been raised that the reserved matters application does not conform to the description of the outline permission which was described as 'predominately single storey dwelling with annex accommodation' and that the reserved matters scheme is for substantially more two storey development than that shown indicatively at outline stage.

Whilst these concerns are noted, members should note that the appeal was allowed where the Inspector treated the detailed plans that had been submitted as illustrative only. The Inspector did not impose conditions which restricted the size or the height of a dwelling that might come forward through a reserved matters application and did not impose any conditions that required the development to adhere to any of the design parameters detailed within the outline submission. He did however refer to the need for building to have a low profile design. As such, officers consider it appropriate to determine the application on its own merits.

In relation to whether the proposal meets the description of the outline planning permission as being 'predominantly single storey', whilst it is acknowledged that the extent of the two storey element of the dwelling has increased in size over that shown indicatively at outline stage, approximately 27% of the dwelling would be two stories in height where 534 sqm of the dwelling would be ground floor and 149 sqm

first floor. Officers are therefore satisfied that this proposal would still be for a predominantly single storey dwelling.

The potential for the proposed dwelling to be more prominent within the wider landscape was acknowledged by the Council's Landscape Officer who requested the submission of updated photomontages to illustrate the visual impact of the proposal from a number of viewpoints. These viewpoints include parish open space to the south west and from Lymptone footpath 4 to the south east. These photo montages do demonstrate that the proposed dwelling would be visible from these public vantage points with the prominence increased by the size of the two storey element.

Whilst it is accepted that a reduced first floor footprint would have less of an overall impact, officers are satisfied on balance that the visual impact of the development would not be significantly harmful to the character and appearance of the area to justify refusal of the application, particularly as the dwelling would be read against the back drop of other properties in the viewpoints identified which are equally as prominent in the landscape albeit in a more traditional form. Essentially the development would be read against the back drop of the southern edge of the village, and would not be read as a significant incursion into the countryside or the wider landscape.

Officers were originally concerned that insufficient information had been provided with the application in terms of existing ground levels and proposed ground and finished floor levels in relation to a fixed datum as required by condition 6 of the outline permission. The landscape officer raised concern that the building was originally proposed to be set on a plinth that raises it above existing ground level by 1.5 metres at its western end. The amended plans submitted have lowered the ground floor level so that the eastern end would have a ground floor level of 17.0 m with the western end dropping to 16.5 m which would ensure that the proposed dwelling would fit better with the surrounding levels and reduce the overall building height in-turn reducing its visual prominence from vantage points outside of the site.

Following these amendments, whilst it is accepted that this dwelling would be significantly larger than anything else in the area and that the amount of first floor space would lead to a greater visual impact than a lower profiled design, the scale of the development is considered to be acceptable within this generously proportioned site and would ensure that the dwelling does not appear unduly prominent or intrusive in public views from outside of the site. Whilst finely balanced, it is not considered that the dwelling would result in significant visual harm to the Green Wedge or that the visual impact of the development would be significantly harmful to the character and appearance of the area to justify refusal of the application, particularly as the dwelling would be read against the back drop of other properties in the viewpoints identified which are equally as prominent in the landscape albeit in a more traditional form.

### **Appearance:**

The proposed dwelling is contemporary in its form, design and use of materials. It would be at odds with the character of the more traditional and conventional properties on Underhill Close and in the surrounding area however and as noted by

the Inspector, *'the somewhat individual location of the site and the likely, fairly set back position of the dwelling, suggests that a contemporary or bespoke design approach would be appropriate'*. The contemporary approach to a detached dwelling on this site is considered to be appropriate and the flat roof design would assist in reducing the overall bulk and massing of the building when viewed from Underhill Close and the viewpoints from outside of the site. The dwelling would have single storey wings which extend to towards the front of the site with the two storey element set further back which would help to ensure that it does not appear unduly prominent or intrusive within the streetscene.

The applicant has not agreed to the landscape officer's suggestion to use natural stone to the building elevations and whilst the inclusion of natural stone would have added to local distinctiveness. officers are satisfied that the use of a high quality grey brick would complement the overall contemporary design approach to the dwelling which would be read as distinct from the surrounding development and its context. The applicant has however agreed to incorporating areas of timber cladding to the first floor of the rear of the dwelling which would help to break up the massing of the building, add visual interest and soften the impact of the development in wider views.

The landscape officer has also suggested that the proposed glazing to the southern elevation should be anti-glare due to the extent of glazing proposed and the sensitivity of views from the south and southwest which could experience glare effects particularly at low sun angles. The applicant has considered and accepted this request noting that the extensive south and west facing pergola will go a long way in reducing glint and glare from the south and south-west views but that it is likely that the applicant would want to employ solar control treatment to the glazing to reduce summer heat gain further and this will also result in a reduction of glare.

It is considered that subject to a condition that requires the submission of the exact specification of any antiglare treatment prior to the installation of the glazing, the impact on the Green Wedge from glint and glare can be minimised. A further condition that requires the submission of samples and finishes of materials is recommended to ensure that the materials are appropriate for the scheme and the surrounding area.

### **Landscaping:**

In determining the outline appeal, the Inspector was satisfied that *'residential development on the site would consolidate the pattern of development at the village edge without harm to the character and appearance of the Green Wedge and without any semblance of encroachment towards Exmouth'*.

At paragraph 11 of the appeal decision, the Inspector noted that *'the site is bound by a substantive hedge bank along its south perimeter. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would*

*have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south’.*

The importance of landscaping of the site is further reflected in the imposition of condition 4 of the outline which required as part of reserved matters application for landscaping, the following information to be submitted:

- a) A site layout plan, identifying areas of paving, planting, boundary treatments, structures and features.
- b) A detailed planting plan including details for enhancement of boundary hedgerows and the creation of wildflower areas and aquatic planting.
- c) A full set of landscape details covering walls, retaining structures, gates, fencing, paving, edgings, site furniture and other structures.
- d) Details of any green roofs including construction make up, drainage layer, planting substrate and proposed planting mix and form.
- e) Measures for the protection of perimeter trees and hedgerows during the construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained for the duration of the works.
- f) Management and maintenance of existing hedgerows. Management and maintenance of wildflower areas. Management and enhancement of other measures to improve biodiversity value.

Amended landscaping plans have been received which have addressed the concerns raised by the landscape officer in respect of the proposed planting plan which now includes retention of the existing tree to the west side of the site entrance and the addition of native trees to the southern boundary hedge to break up building mass in views from the south and south west. In addition, the landscape officer is satisfied with the hedgerow management and enhancement measures that have been put forward which include the planting of a new hedgerow, the rejuvenation and maintenance of the southern boundary hedge to ensure dense healthy growth noting the importance the Inspector attributed to the southern perimeter of the site in ensuring that the dwelling would have a negligible presence within the Green Wedge in views from public footpaths and the highway network to the south.

Concern was also raised regarding the gate details for the front of the site which originally showed 2m high gates with near solid panels, which would have given a fortress-like appearance inappropriate as the termination of the view from Underhill Close. The design of the entrance gates has now been amended to show the omission of the side panels in favour of more traditional timber gates with local stone pillars and with existing hedge to either side retained. This is considered to be a more appropriate and softer entrance gate design and a condition is recommended which secures the submission of materials and finishes for the gates prior to their construction to ensure they are appropriate for the character and appearance of the area.

### **Impact on Character and Appearance of the area and Green Wedge:**

Strategy 8 - Development in Green Wedges of the Local Plan states that within Green Wedges, as defined on the Proposal Map, development will not be permitted

if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.

Policy 3 of the Lympstone Neighbourhood Plan states that development will not normally be permitted within the Green Wedge or Coastal Preservation Area unless it can be demonstrated that no harm to the character or purpose of these areas will occur and development is:

- Justified on agricultural, horticultural or forestry grounds; or
- Within a residential or employment site curtilage; or
- Justified on sustainability grounds; or
- Will provide a community facility or recreation route.

Having regards for the above assessment, whilst it is accepted that this reserved matters application would have a greater impact than that which was put forward indicatively at outline stage and that the proposed dwelling would have a greater visual impact, on balance it is considered that the layout, scale, appearance and landscaping details that have been put forward are sufficient to demonstrate that the proposal would not result in any significant harm to the character and appearance of the area and would not undermine the key objectives of the Local Plan and Lympstone Neighbourhood Plan's Green Wedge policies.

Policy D1- Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Whilst the contemporary design approach to a dwelling on this site would introduce a form of development on the site which would be out of character with the form and appearance of existing dwellings in the area, it is considered that the layout, scale and appearance of the development is appropriate for the size and configuration of the site without resulting in any significant harm to the character and appearance of the area. The amendments that have been secured as part of the application have reduced the overall impact of the development and the landscaping that has been secured would ensure that key landscape features of the site are retained and enhanced to help the development to assimilate into its environs. The proposal is considered to comply with the provisions of policy D1 of the Local Plan.

### **Residential Amenity:**

Policy D1 of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

The introduction of a dwelling on this site would result in a degree of impact on the immediate properties who share a close relationship with the site.

As originally proposed, officers raised serious concerns about the proximity of the development to the occupiers of no 8 Underhill Close whose main outlook is from the



ground and first floors including a balcony to the south. As originally proposed, officers considered the height and the proximity of the northern most wall of the dwelling to have a significant adverse impact on the outlook of no 8.

Amended plans were subsequently received which sought to reduce this impact by pulling the boundary wall away from the boundary which then allows sufficient space for some meaningful planting between the boundary of no 8 to help to soften its impact further. Whilst it is accepted that this part of the dwelling would still result in a degree of impact on the occupiers of no 8, having regard for the fact that this would be single storey in form and its position away from the boundary, it isn't considered that the physical impact would be significantly harmful in terms of an over bearing or over dominant impact or through loss of light to sustain an objection.

Concern has also been raised about the number of first floor windows on the northern elevation and whilst these do face towards no 8, it is accepted they are designed to serve a stairwell, gallery and to provide light to a void below. Subject to a condition which restricts the void being used as floor space in the future (which wouldn't fall under the control of the LPA) it is accepted that these windows would not result in significant overlooking or loss of privacy.

The first floor balcony that wraps around the building results in a small section of balcony to the northern elevation facing towards no 8 which could give rise to overlooking and loss of privacy. Amended plans have incorporated an obscure glazed balcony screen to the northern side of the balcony which would prevent overlooking and loss of privacy.

Whilst the introduction of a dwelling on this site would have the greatest impact on the occupiers of no 8, having regard for the above assessment, it isn't considered that the proposal would be sufficiently harmful in terms of its physical impact, overlooking and loss of privacy or loss of light to sustain an objection.

The proposal would also have a degree of impact on the amenities of the occupiers of no 3 Underhill Close which is located to the north of the site with ground floor windows and a first floor dormer window facing over the site. The annex element of the dwelling would project towards the northern boundary with this property however owing to its position set back from the boundary coupled with the access road between the site, the existing hedgerow and the fact that the building closest to the boundary would be single storey an flat roofed, it isn't considered that the impact would be so harmful in terms of an unduly overbearing or over dominant impact or loss of light to sustain an objection.

The other property most likely to be affected by this development is Highfield, a detached two storey dwelling to the east which presents its side elevation to the site. The boundary of the site is currently defined by a hedgerow which is proposed to be reinforced with additional planting as part of the landscape proposals for the site. Whilst occupiers of this property will be aware of the annex part of the dwelling which would run parallel to the sites eastern boundary, the existing hedgerow and additional planting would help to screen the building which coupled with its single storey form and limited height would not result in an impact that would be so harmful in terms of an unduly overbearing or over dominant impact or loss of light to sustain an objection.

On balance, notwithstanding the fact that the proposed dwelling would result in a degree of impact on the occupiers of surrounding properties, it not considered that this would justify refusal of the application. The proposal would comply with the provisions of policy D1 of the Local Plan.

### **Parking Provision:**

Access to the site has already been approved through the grant of the outline permission and this remains unchanged leading into the site from Underhill Close.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The submitted site plan demonstrates that sufficient parking would be provided within the site for the parking of vehicles along with adequate turning space so that vehicles can exit the site in a forward gear. The proposal complies with the provisions of policy TC9 of the Local Plan.

### **Conclusion:**

This reserved matters application relates to the construction of a detached dwelling and annex building seeking approval for matters relating to layout, appearance, scale and landscaping. Despite being located outside of the built-up area boundary of the village of Lypstone as defined by the East Devon Local Plan and the Lypstone Neighbourhood Plan, the principle of a dwelling on this site has already been accepted through an outline permission which was granted on appeal. As such, no objections can be sustained to the principle of development on this site.

A significant amount of local concern has been expressed at the fact that the outline planning permission was for a 'predominantly single storey dwelling and annex' and it is argued that this detailed proposal does not reflect the original description of the development and that the reserved matters scheme is for substantially more two storey development than that shown indicatively at outline stage. Approximately 27% of the dwelling would be two stories in height where 534 sqm of the dwelling would be ground floor and 149 sqm first floor. Officers are therefore satisfied that this proposal would still be for a predominantly single storey dwelling. It is however acknowledged that compared to an average house 149sqm on a single floor is large.

Members should note that the appeal was allowed where the Inspector treated the detailed plans that had been submitted as illustrative only. The Inspector did not impose conditions which restricted the size or the height of a dwelling that might come forward through a reserved matters application and did not impose any conditions that required the development to adhere to any of the design parameters detailed within the outline submission. As such, officers consider it appropriate to determine the application on its own merits.

This application is finely balanced in respect of the design approach that has been put forward for a dwelling on this site. The footprint of the dwelling is sizeable and would encroach slightly further to the south of the site than the notional building line but would still retain a good separation distance between the rear boundary of the site such that it would be read as an infill plot on the southern edge of the village.

Concerns about the scale of the dwelling are also acknowledged and it is accepted that the first floor element of this building is sizeable and would make the building appear more prominent in the limited number of views from public vantage points from outside of the site. Whilst this would be the case officers are satisfied that the visual impact of the development would not be significantly harmful to the character and appearance of the area to justify refusal of the application, particularly as the dwelling would be read against the back drop of other properties in the viewpoints identified which are equally as prominent in the landscape albeit in a more traditional form. Essentially the development would be read against the back drop of the southern edge of the village, and would not be read as a significant incursion into the countryside or the wider landscape

On balance, the proposed dwelling is considered to be acceptable in terms of its layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views.

The proposal is considered to be acceptable in terms of its impacts on residential amenity and parking provision such that on balance, it is recommended for approval in compliance with the East Devon Local Plan and the Lypstone Neighbourhood Plan.

## **RECOMMENDATION**

APPROVAL subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto:-
  - (a) Appearance
  - (b) Landscaping
  - (c) Layout
  - (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission 20/0933/OUT (appeal ref APP/U1105/W/21/3282445) granted on 1<sup>st</sup> March 2022.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 20/0933OUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:

1, 2, 4, 6

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with in so far as they relate to the site covered by application 20/0933/OUT:

5, 7

The following additional conditions are attached to this reserved matters approval:

2. Notwithstanding the submitted details, the development hereby permitted shall be carried out in accordance with the landscaping details submitted to discharge condition 4 of outline planning permission 20/0933/OUT. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 20 years. Any trees or other plants which die during a 5 year period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason: To ensure that the detailed landscaping proposals are implemented in full and maintained to reduce the visual impact of the development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
3. No development above foundation level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the building and the entrance gates hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. Prior to its installation, full details and specification for the anti-glare glazing to be installed on the southern elevation of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the anti-glare glazing shall remain in place in perpetuity.  
(Reason: To ensure that reflective glare from the southern elevation of the dwelling is minimised to reduce the visual impact of the development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.  
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse.  
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works within the Schedule Part 1 Classes A, C and F for the enlargement, improvement or other alterations to the dwelling hereby permitted or hard surfacing, other than works that do not materially affect the external appearance of the building, shall be undertaken.  
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local

Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).

8. Prior to first occupation of the dwelling hereby approved, the 1.8 metre high obscured glazing privacy screen to the first floor balcony on the northern elevation of the dwelling shall have been installed in accordance with the details shown on drawing no 1763-P200- REV D. The privacy screen shall thereafter remain in place in perpetuity.  
(Reason: To protect the occupiers of adjoining properties from overlooking and loss of privacy in accordance with policy D1- Design and Local Distinctiveness of the East Devon Local Plan 2013-2031).
9. The area marked 'void to below' on the first floor plans (ref 1763-P101- REV C) shall not at any time be used internally as first floor living space  
(Reason: The void is served by a first floor window which could give rise to overlooking and loss of privacy if it were to serve a habitable room, to protect the occupiers of adjoining properties from overlooking and loss of privacy in accordance with policy D1- Design and Local Distinctiveness of the East Devon Local Plan 2013-2031).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings [other than those expressly authorised by this permission] shall be constructed on the northern elevation of the dwelling hereby approved.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
11. No part of the flat roof of the dwelling hereby approved shall be used as a balcony or any other amenity space. The use limitation here described shall be maintained for the duration of the occupation of the development.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

## **Statement on Human Rights and Equalities Issues**

### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

**Equalities Act** - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the

need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Plans relating to this application:

1763-P010-REV E	Proposed Site Plan	09.05.23
1763-P100-REV D : Ground	Proposed Floor Plans	09.05.23
1763-P200-REV D: North/South	Proposed Elevation	09.05.23
1763-P201-REV D: East/West	Proposed Elevation	09.05.23
948/01 Rev A: Hardworks Plan	Other Plans	09.05.23
948/02 Rev A: Planting Plan	Other Plans	09.05.23
948/03 Rev A	Proposed Elevation	09.05.23
Details and Notes	General Correspondence	09.05.23
1763-P101 C : first/basemen t	Proposed Floor Plans	17.02.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.